

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
ADMINISTRATIVE ADJUDICATION DIVISION

RE: MONARCH METAL FINISHING CO., INC.
NOTICE OF VIOLATION OC&I/HW 07-016

AAD NO. 08-003/WME

FINAL ORDER OF DEFAULT

This matter came before the Administrative Adjudication Division on January 15, 2009 for the purpose of a Prehearing Conference. Respondent, Monarch Metal Finishing Co., Inc., failed to appear or otherwise apprise the Hearing Officer of its inability to appear at said Prehearing Conference. The Respondent was advised in the Status Conference Order entered on May 15, 2008 that failure to appear would result in a Default. A Conditional Order of Default was previously entered on July 22, 2008 for the failure of the Respondent to attend a Status Conference on June 27, 2008.

On July 29, 2008 Respondent provided a response to the effect that he had been negotiating with representatives of RIDEM and it would be resolved prior to hearing. The Conditional Default was not lifted. On September 18, 2008 a Prehearing Order was entered setting the matter down for Prehearing Conference on November 20, 2008. On November 19, 2008 an Order was entered continuing the Prehearing Conference to January 15, 2009. A copy of said Order was forwarded to Respondent. Counsel for RIDEM requested a Final Order of Default be entered against Respondent.

FINDING OF FACT

1. A Status Conference Order was entered on May 15, 2008 scheduling a Status Conference for June 27, 2008.
2. The Status Conference Order provides that "If either party fails to appear at the Status Conference, the Hearing Officer, sua sponte, will issue a Seven (7) Day Conditional Order of Dismissal/Default against the non-attending party."
3. Respondent failed to appear at the Status Conference on June 27, 2008.

4. On July 29, 2008 a Conditional Order of Default was entered against Respondent.
5. The Respondent filed a response alleging misunderstanding.
6. The Conditional Default was not lifted.
7. On September 18, 2008 a Prehearing Order was entered setting the matter down for Prehearing Conference on November 20, 2008.
8. On November 19, 2008 an Order was entered continuing the Prehearing Conference to January 15, 2009.
9. On January 15, 2009 the Respondent failed to appear at the Prehearing Conference or otherwise advise of the reason for his non-appearance.
10. Counsel for OC&I requested a Final Judgment of Default be entered.
11. Respondent is in Default.

Wherefore, it is hereby

ORDERED

1. Respondent, Monarch Metal Finishing Co., Inc., is deemed to have waived its right to an adjudicatory hearing.
2. The Notice of Violation issued on May 1, 2008 shall be final and become a compliance order against Respondent, Monarch Metal Finishing Co., Inc., immediately upon the entry of the Final Agency Order herein.

Entered as an Administrative Order this 20th day of January, 2009 and herewith recommended to the Director for issuance as a Final Agency Order.

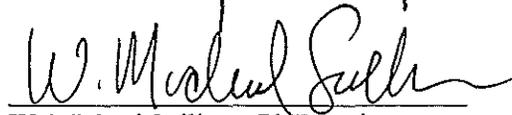


David Kerins
Acting Chief Hearing Officer
Administration Adjudication Division
235 Promenade Street, Third Floor
Providence, RI 02908
(401) 222-1357

RE: MONARCH METAL FINISHING CO., INC.
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Entered as a Final Agency Order this 21st day of January 2009.



W. Michael Sullivan, Ph.D., Director
Department of Environmental Management
235 Promenade Street, 4th Floor
Providence, RI 02908

CERTIFICATION

I hereby certify that I caused a true copy of the within Order to be forwarded by first-class mail, postage prepaid to William S. Volpe, Registered Agent, Monarch Metal Finishing Co., Inc., 189 Georgia Avenue, Providence, RI 02905; and via interoffice mail to John Langlois, Esq., DEM Office of Legal Services and David Chopy, Chief, DEM Office of Compliance and Inspection, 235 Promenade Street, Providence, RI 02908 on this 21st day of January, 2009.

